

REAL ESTATE PLAN

RIVERSIDE OXBOW ECOSYSTEM RESTORATION PROJECT TARRANT COUNTY, TEXAS

1. PURPOSE

The following Real Estate Plan (REP) supports the feasibility study and describes the acquisition of lands, easements, and right of way (LER) to be acquired for the Riverside Oxbow Ecosystem Restoration Project. Authority for the Riverside Ecosystem Restoration Interim Feasibility Study is contained in resolution by the United States Senate Committee on Environment and Public Works dated April 22, 1988, as quoted: "Resolved by the Committee and Public Works of the United States Senate, that the Board of Engineers for Rivers and Harbors is hereby requested to review the report of the Chief of Engineers on the Trinity River and Tributaries, Texas, House Document No. 276, Eighty-Ninth Congress, and other pertinent reports, with a view to determining the advisability of modifying the recommendations contained therein, with particular reference to providing improvements in the interest of flood protection, environmental enhancement, water quality, recreation, and other allied purposes in the Upper Trinity River Basin with specific attention on the Dallas-Fort Worth Metroplex." The objectives of the project are to improve the quality and increase the quantity of the riparian and bottomland hardwood habitat for the benefit of multiple species of birds and wildlife; Improve the quality and increase the quantity of the emergent wetland habitat to restore nesting, brood rearing, and wintering habitat for multiple birds and wildlife; Reestablish a contiguous riparian corridor to allow unobstructed migration and avian and wildlife species; Restore a more natural hydrologic regime; Restore and improve aquatic habitat for fish and other aquatic organisms; Improve and restore habitat for migrant neotropical and waterfowl, as well as residential wildlife species; Reduce the fragmented nature of the bottomland hardwood habitat; Provide a sustainable level of food, nesting, and cover for all wildlife communities; Protect and buffer the riparian habitat from adjacent land uses and encroaching development activities; Restore the stability, function, and dynamic processes of the floodplain to a more natural, less degraded condition; Protect and increase habitat diversity and the interspersions of habitat types, including the remnant prairie habitat and associated drainages of Tandy Hills; Improve the water quality in conjunction with other ecosystem restoration activities; Improve the aesthetics, as well as the recreational and educational opportunities that are compatible with ecosystem restoration activities for a wide variety of interests. Tarrant Regional Water District (TRWD) will be the sponsor for this project. The city of Fort Worth is cooperating with Tarrant Regional Water District and will donate land for this project. The Riverside Oxbow Project area encompasses approximately 680.078 acres of land which is located just east of downtown Fort Worth, Texas on the West Fork of the Trinity River. The project area falls within I-30 on the south and the 100-year floodplain boundary to the north. In addition, the project area includes lands located between Beach Street and Gateway Park, one of the largest parks in the city of Fort Worth; lands within Gateway Park that are adjacent to the river. This is the original Real Estate Plan for this project.

2. LAND, EASEMENT, AND RIGHT OF WAY FOR THE RECOMMENDED PLAN. THE TARRANT COUNTY WATER DISTRICT WILL ACQUIRE LANDS.

FEE LAND OWNERSHIP

EASEMENT OWNERSHIP

131.607 acres Tarrant Regional Water District	-0- acres
309.1868 acres City of Fort Worth	-0- acres
239.284 acres To be acquired for project	-0- acres

3. COST SHARE OF PROJECT

Estimated values of Lands, Easements, and Rights of Way:

ESTATE	ACRES	ESTIMATED VALUE
Total Summary of Value		
Fee Lands	680.078	\$ 5,146,500
Value of Improvements		\$ 50,000
Severance Damage 2.5%		\$ 130,000
Contingencies 10%		\$ 532,700
TOTAL		\$ 5,859,200

Summary of Non-Federal Sponsor Property

Tarrant County Water District

Fee Land 131.607 Acres	\$ 544,800
Value of Improvements	\$ -0-
Severance Damages	\$ -0-
Contingencies 10%	\$ 54,500
Segment Total	\$ 599,300

City of Fort Worth

Fee Land 309.1868	\$ 3,137,900
Value of Improvements	\$ -0-
Severance Damages	\$ -0-
Contingencies 10%	\$ 313,800
Segment Total	\$ 3,451,700

The cost-share for this restoration project is 65% Federal and 35% for Tarrant Regional Water District.

4. NON-STANDARD ESTATES

Fee estate is the only estate required for this project. There are no non-standard estates associated with this project.

5. EXISTING FEDERAL PROJECT

There is no existing Federal project that lies fully or partially within the LERRD'S required for this project.

6. FEDERALLY OWNED LAND

There are no Federally owned lands associated with this project.

7. NAVIGATIONAL SERVITUDE

A title opinion was accomplished by Mark B. McMurry , Attorney, Real Estate Division, concerning the relocation of a 60 inch sewer pipeline crossing the West Fork of the Trinity River and the Riverside Oxbow. He has determined that it appears that the environmental restoration project has sufficient nexus to navigation with the flood control mission of the Fort Worth Floodway Project to invoke Government's power under navigational servitude. Therefore the cost to relocate the 60 inch sewer pipeline will be at the cost of the facility owner. The real property manager for Tarrant Regional Water District was sent a letter making him aware of this requirement.

8. PROJECT AREA

There is one business to be relocated at 801 North Beach Street, which is within the project footprint. There are no utilities on project lands to be relocated. TXU has power transmission lines running across lands owned by Tarrant Regional Water District, the City of Fort Worth, and lands to be acquired for the project. A letter or consent must be obtained from TXU allowing the sponsor to plant grass for restoration

purposes within the power transmission line easement area. See attached project map outlining the Oxbow Project area.

9. FLOODING OF PROJECT AREA

There will be no induced flooding to private property caused by the construction, operation, and maintenance of this Ecosystem Restoration Project.

10. BASELINE COST ESTIMATE FOR REAL ESTATE

Property values included in the cost estimate are based on a Gross Appraisal dated May 24, 2002, prepared by James K. Norwood, MAI, ARA, and approved by Rocky D. Lee, MAI, SRA., of the Real Estate Division, Fort Worth District. The Fort Worth District Planning and Control Branch staff estimated administrative costs. Contingencies have been added to the cost estimates as follows:

01.23.03.01 Real Estate Planning Documents, 10% based on reasonable certainty of costs.

01.23.01.02 Real Estate Acquisition Documents, 10% based on reasonable certainty.

01.23.03.03 Real Estate Condemnation Documents, 25% based on expectation of at least two condemnations.

01.23.03.05 Real Estate Appraisal Documents, 10% based on reasonable certainty of contract costs.

01.23.03.15 Real Estate Payment Documents, 10% based on contingencies assigned by the Appraiser in the Gross Appraisal.

01.23.03.17 Real Estate LERRD Accounting Documents, 25% based on reasonable certainty regarding accounting requirements.

Estimates are presented in the standard Code of Accounts from MCACES Models Database, October 1994. Costs are presented as follows:

LPP Plan estimates for the Oxbow Project			
ACCOUNT	DESCRIPTION	ESTIMATE	CONTINGENCY
01.23.03.01	RE Planning Documents	\$10,000	\$1,000
01.23.03.02	RE Acquisition Documents		
	Acquisition by Local Sponsor	\$40,000	\$4,000
	Review of Local Sponsor	\$ 2,000	\$ 200

01.23.03.03	RE Condemnation Documents		
	Condemnation by Sponsor	\$20,000	\$ 5,000
	Review of Sponsor	\$ 2,000	\$ 500
01.23.03.05	RE Appraisal Documents		
	Appraisal by Sponsor	\$ 80,000	\$ 8,000
	Review of Sponsor	\$ 19,600	\$ 1,960
01.23.03.15	RE Payment Documents		
	Payment by Sponsor		
	Land	\$5,146,500	\$514,650
	Improvements	50,000	5,000
	Severance Damage	\$ 196,200	\$ 19,620
	Relocation	\$ 35,000	\$ 3,500
	Review of Sponsor	\$ 10,000	\$ 1,000
01.23.03.17	RE LERRD Accounting Documents	\$ 2,000	\$ 500
	TOTAL ADMIN AND PAYMENTS	\$5,613,300	
	TOTAL CONTINGENCY		\$ 564,930
	GRAND TOTAL	\$6,178,230	

11. RELOCATION ASSISTANCE PROGRAM P.L. 91-646

The sponsor will be responsible for purchasing the land and business located at 801 North Beach Street, on the East side of the project. The business is ~~not~~ in operation at this time and therefore relocation assistance will be concerned with relocating the business equipment to another location or storage of the equipment for a period of twelve months, under the provisions of Public Law 91-646, as amended. The estimated cost for the moving the equipment will be under \$35,000. There are numerous business sites available should the owner decide to relocate. Should the owner of the business decide to relocate he or she would be entitled up to an additional \$10,000 for reestablishment expenses.

12. MINERAL AND TIMBER ACTIVITY

There is no significant mineral exploration or production activity or merchantable timber in the project area. The majority of lands owned by the sponsor (Tarrant Regional Water District) and the city of Fort Worth do not include mineral ownership. Lands to be acquired for the project will probably be purchased without minerals, due to the fact that lands have been sold numerous times since the late eighteen hundreds. If circumstance warrant purchase of minerals the sponsor will acquire the mineral rights.

The present zoning of the project area (within the city limits of Fort Worth) prohibits oil, gas or mineral exploration.

13. COST SHARED PROJECT

The Tarrant Regional Water District will acquire all required lands associated with this restoration project. The Tarrant Regional Water District has authority to acquire the lands needed for the project. The District has the authority to accomplish eminent domain should it be necessary. The District has been advised of Public Law 91-646 requirements and the requirements for document expenses for credit purposes.

14. ENACTMENT OF ZONING ORDINANCES

There are no special zoning ordinances proposed to be enacted in connection with this project.

15. LAND ACQUISITION

There are 680.078 acres of land acquisitions required for completion of the project. Attached is a Tract Listing of all lands within the project.

Schedule of all land acquisition milestones:

Execution of PCA	5 January 2004
Prepare mapping and legal descriptions	1 May 2004
Obtain tract appraisals	1 August 2004
Conduct negotiations for land	1 November 2004
Perform closings for land	1 February 2005
Prepare condemnations	1 November 2004
Perform condemnations	1 February 2005
Obtain possession of condemnation land	1 July 2005
Certify availability of real estate	1 August 2005
Advertise construction contract on Phase I of the project-sponsors land	1 May 2004
Complete P.L. 91-646 benefit assistance	1 September 2005
Prepare and submit credit request	1 November 2005
Review credit requests	1 December 2005
Approve or deny credit requests	1 February 2006

16. FACILITY OR UTILITY RELOCATIONS

There will be no utility relocation. The power transmission lines in the project area will remain in place.

17. CONTAMINANTS ON REAL ESTATE ACQUISITIONS

There are no known HTRW lands on the project area.

18. OPPOSITION BY LANDOWNERS IN PROJECT AREA

No landowners in the project area have come forward to give positive or negative responses concerning this project.

19. LAND ACQUISITION PRIOR TO PCA

The sponsor, Tarrant Regional Water District, has been informed not to purchase any property prior to the PCA being signed.

20. RELEVANT ISSUES

There are no real estate issues relevant to planning, designing, or implementing this project.

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY
RIVERSIDE OXBOW ECOSYSTEM RESTORATION PROJECT**

I. Legal Authority:

- a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes? Yes
- b. Does the sponsor have the power of eminent domain for this project? Yes
- c. Does the sponsor have "quick-take" authority for this project? Yes
- d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary? No
- e. Are any of the lands/interests in land required for project owned by an entity whose property the sponsor cannot condemn? No

II. Human Resources Requirements:

- a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P. L. 91-646, as amended?
No
- b. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project? Yes
- c. Is the sponsor's projected in-house staffing level sufficient considering it other work load, if any, and the project schedule? Yes
- d. Can the sponsor obtain contractor support, if required in a timely fashion?
Yes
- e. Will the sponsor likely request USACE assistance in acquiring real estate?
No

III. Other Project Variables:

- a. Will the sponsor's staff be located within reasonable proximity to the project site? Yes

- b. Has the sponsor approved the project/real estate schedule/milestones? Yes

IV. Overall Assessment:

- a. Has the sponsor performed satisfactorily on other USACE projects? The sponsor has not worked with the District on other projects.
- b. With regard to this project, the sponsor is anticipated to be: Highly Capable

V. Coordination:

- a. Has the assessment been coordinated with the sponsor? Yes
- b. Does the sponsor concur with this assessment? Yes

Prepared by:

Russ Hendricks
Russ Hendricks
Realty Specialist
Fort Worth District

10 April 2003
Date

Reviewed and approved by:

Bobby J. Camp
for Hyla J. Head
Chief, Real Estate Division
Fort Worth District

11 April 2003
Date

REAL ESTATE PLAN OXBOW

<i>Tract No.</i>	<i>Ext.</i>	<i>Owner Name</i>	<i>Legal</i>
100	1	Ameritrust Texas Tr, et al (UDI)	Sycamore Heights E 270' Blk 2
100	2	Ameritrust Texas Tr, et al (UDI)	Sycamore Heights Blk 3
100	3	Ameritrust Texas Tr, et al (UDI)	Sycamore Heights Blk 4 Lot 4C
100	4	Ameritrust Texas Tr, et al (UDI)	Sycamore Heights E 270' Blk 6
100	5	Ameritrust Texas Tr, et al (UDI)	Sycamore Heights Blk 5
100	6	Ameritrust Texas Tr, et al (UDI)	Sycamore Heights Blk 8 Lot 8A
100	7	Ameritrust Texas Tr, et al (UDI)	Sycamore Heights Blk 9 Lot 9A
101	1	Texas Turnpike Authority	Interurban Add Blk 14 Lots 1-10
102	1	City of Fort Worth	Robert Cross Survey A304 Tr 1C3
102	2	City of Fort Worth	Enoch S Johnson Survey A852 Tr 1
102	3	City of Fort Worth	Peter T Welch Survey A1642 Tr 2
102	4	City of Fort Worth	John Lynch Survey A942 Tr 1
102	5	City of Fort Worth	Sycamore Heights Blk 4 Lot 1
102	6	City of Fort Worth	Gateway Park Blk 3
102	7	City of Fort Worth	Gateway Park Blk 1
102	8	City of Fort Worth	Gateway Park Blk 2
102	9	City of Fort Worth	Interurban Add Blk 17 Lots 1-10 & Pts 11-20
102	10	City of Fort Worth	Interurban Add Blk 11 N Pt Lots 1-5
102	11	City of Fort Worth	Interurban Add Blk 12 Lots 1-16
102	12	City of Fort Worth	Interurban Add Blk 13 Lots 1-15
102	13	City of Fort Worth	Interurban Add Blk 19 Lots 7-9
102	14	City of Fort Worth	Part of 1, 434.148acs
103	1	Tarrant Regional Water District	Benjamin E. Waller Survey A1659 Tr 17
103	2	Tarrant Regional Water District	Sycamore Heights Blk 1
103	3	Tarrant Regional Water District	Sycamore Heights Blk 7
103	4	Tarrant Regional Water District	Sycamore Heights W Pt Blk 6
103	5	Tarrant Regional Water District	Sycamore Heights Blk 4 Lot 4E
103	6	Tarrant Regional Water District	Benjamin E. Waller Survey A1659 Tr 17B
103	7	Tarrant Regional Water District	Interurban Add Blk 18 Lots 1-4 & Pts 9-15
103	8	Tarrant Regional Water District	James Sanderson Survey A1430 Tr 37
103	9	TRWD - assumed	Sycamore Heights W Pt Blk 8
103	10	TRWD - assumed	Sycamore Heights W Pt Blk 2
104	0	Unknown	Sycamore Heights
202	0	Fentress, Sharon L.	Riverside Add Blk BR Lot 1
203	0	Bowen Properties	Benjamin E. Waller Survey A1659 Tr 21
204	0	Insight Capital Realty Co Ltd	Adams Heirs Subdiv Blk 1 Lot 7R
205	0	Consolidated Freightways Corp	Benjamin E. Waller Survey A1659 Tr 24
206	0	Material Control Inc	Material Control Subdiv Blk 1 Lots 1 & 2
207	0	Crain, David Charles	Benjamin E. Waller Survey A1659 Tr 4C1
208	0	Gifford-Hill Concrete Prod Inc	Riverside Add Blk AR Lot 1
210	0	HJG Trucking Inc	Riverside Add Blk CR Lot 1
211	0	American Automatic Sprinkler	Page Co's East Side Add Blk A Lot A2B & Pt closed st
301	0	Frost, Robert H. etal	Robert Cross Survey A304 Tr 1C
302	0	Davis, WR & AH Hawkins	Sycamore Heights Blk 4 Lots 4B2 & 4F1
303	0	Unknown	W side of Beach, N side of oxbow
400	0	Dyer, Melba Jean & James Michel	John Lynch Survey A942 Tr 7B

Address	Whole or Partial	Size of Whole (Acres)	Size of Taking (Acres)	
Beach St	Whole	4.62	4.62	
Beach St	Whole	7.51	7.51	
800 Beach St	Whole	0.92	0.92	
Beach St	Whole	4.55	4.55	
Beach St	Whole	8.713	8.713	
Beach St	Whole	1.36	1.36	
Beach St	Whole	4.95	4.95	
East Fwy	Whole	1.5783	1.5783	
Beach St	Whole	5.02	5.02	
View St	Whole	91.5	91.5	
East Fwy	Whole	12.75	12.75	
First St E	Whole	1	1	
801 Beach St	Whole	3.57	3.57	
775 Beach St	Whole	9.51	9.51	
4550 E 1st St	Partial	434.148	169.34	
3101 East Fwy	Whole	3.39	3.39	
East Fwy	Whole	2.49	2.49	
East Fwy	Whole	0.1722	0.1722	
East Fwy	Whole	3.0776	3.0776	
East Fwy	Whole	2.927	2.927	
East Fwy	Whole	0.78	0.78	
Beach St	Partial	434.148	3.66	309.1868 city of FW land
Beach St	Whole	59.15	59.15	
Beach St	Whole	15.997	15.997	
Beach St	Whole	9.90	9.90	
Beach St	Whole	6.37	6.37	
Beach St	Whole	7.41	7.41	Different from TAD acreage
Beach St	Whole	14.76	14.76	No TCAD Record, data from TRWD
Trinity River Levee	Whole	1.45	1.45	
East Fwy	Whole	5.00	5.00	
	Whole	5.33	5.33	
	Whole	6.24	6.24	131.607 TRWD land
	Whole	3.0734	3.0734	
700 Denair Ave	Partial	3.82	2.00	Was 3.59 acres
Riverside Dr	Whole	10.24	10.24	
Riverside Dr	Partial	7.00	0.86	
1301 Riverside Dr	Partial	3.22	1.05	
1121 Riverside Dr	Partial	6.26	1.72	
3300 Van Horn Ave	Partial	14.75	11.42	
Ennis Ave	Partial	10.84	1.61	Was 3.83 acres
701 Denair Ave	Partial	9.43	5.31	
S De Costa St	Partial	6.64	3.98	
521 Beach St	Partial	106.88	105.61	
821 Beach St	Whole	0.28	0.28	
Beach St	Whole	5.46	5.46	
4300 & 4310 E 1st St	Partial	19.68	13.51	James Michael Dyer owns improvement

401	0	Pentikis, Frank
402	0	Unknown
500	1	Goodman, Lee Jr, et al

John Lynch Survey A942 Trs 6, 6C & 8
John Lynch Survey A942
Enoch S Johnson Survey A852 Tr 1A6

E 1st St	Partial	31.43	28.26
	Whole	3.9115	3.9115
Ben Ave	Whole	6.788	6.788
			680.078